

REMARKS

Claims 7, 8 and 26-33 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 26, 28-30, 32 and 33 over Chack

In the Office Action claims 26, 28-30, 32 and 33 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,751,211 to Chack ("Chack"). The Applicants respectfully traverse the rejection.

Claims 26, 28-30, 32 and 33 recite using call related information to automatically **retrieve** pre-designated desired information in response to a call from a first device **without answering the call** from the first device; and **transmitting** the retrieved pre-designated desired information to the first device.

The Examiner alleged that "Chack teaches call related information to retrieve pre-designated information in response to a call from a first device (col. 7, lines 61-65 and col. 8, lines 61-63) ...without answering the phone" (see Office Action, page 2). The Applicants respectfully disagree.

Chack at col. 8, lines 61-col. 9, line 2 discloses:

If a particular call cannot be accepted, then the transaction processing system may provide a URL to the caller without answering the call. The web page associated with the URL informs the caller that the system is unable to answer the call, and provides the user with alternate options (e.g., leave an e-mail message, request that an agent call the user, or browse web pages containing information about the organization called by the caller).

Chack teaches providing a caller with a URL that informs the caller that the system was unable to answer the call, and provides the user with alternate options. Thus, in the event that Chack's system cannot answer a call, the user is given alternate options because the user's desired information is **NOT** retrieved for the user. Chack fails to disclose automatically retrieving pre-designated desired information without a need to **answer** a call from a first

device, much less disclose using call related information to automatically **retrieve** pre-designated desired information in response to a call from a first device **without answering the call** from the first device; and **transmitting** the retrieved pre-designated desired information to the first device, as recited by claims 26, 28-30, 32 and 33.

A benefit of using call related information to automatically **retrieve** pre-designated desired information in response to a call from a first device **without answering the call** from the first device is, e.g., a saving of toll charges. In many instances, a telephone call can incur toll charges, either wireless airtime units or long distance charges. The use of call related information, that can be obtained without having to connect a telephone call between a calling device and a called device, allows a determination of a requesting party for information. The requesting party can be used to retrieve pre-designated desired information that can then be provided to a caller without any charges to the caller. Chack fails to disclose the claimed features having such benefits.

For at least all these reasons, claims 26, 28-30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 8, 27 and 31 over Chack in view of Pepe

Claims 7, 8, 27 and 31 were rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of U.S. Pat. No. 5,742,668 to Pepe et al. ("Pepe"). The Applicants respectfully traverse the rejections.

Claims 7 and 8 recite using call related information from a call to **automatically identify and provide an email** to a communications device after the communications device calls a first phone number and **without answering the call** to a first phone number from the communications device.

The Examiner acknowledged the Pepe fails to teach "transmitting information to a device without answering a call." (see Office Action, page 7). However, the Examiner is ignoring the specifically recited type of information that is provided to a communications device without answering a call. Claims 7 and 8

specifically recite providing an email to a communications device without answering a call. For Pepe to make up for the deficiencies in Chack, Pepe would have to disclose not just any type of information, but specifically an email.

As discussed above, Chack discloses providing a caller with a URL that informs the caller that the system was unable to answer the call, and provides the user with alternate options. One of the alternate options is for the user to **leave** an e-mail message. Thus, giving a caller an option to **leave** an e-mail message without answering a call is NOT **providing an email** to a communications device, much less call related information from a call to automatically identify and **provide an email** to a communications device after the communications device calls a first phone number and without answering the call to a first phone number from the communications device, as recited by claims 7 and 8.

Moreover, Chack's URL is a **generic pointer** to a web site that provides alternatives for actions, whereas Applicants' claimed features are directed toward **specific** information, i.e., an **email**. Chack's generic pointer fails to disclose, teach or suggest an **email** that is automatically identified with a calling communications device, as recited by claims 26, 28-30, 32 and 33.

Claims 27 and 31 recite using call related information to automatically **retrieve** pre-designated desired information in response to a call from a first device **without answering the call** from the first device; and **transmitting the retrieved pre-designated desired information** to the first device.

As discussed above, Chack fails to disclose using call related information to automatically **retrieve** pre-designated desired information in response to a call from a first device **without answering the call** from the first device; and **transmitting the retrieved pre-designated desired information** to the first device, as recited by claims 27 and 31.

The Examiner cited Pepe for allegedly teaching the delivery of information to PDAs. Even so, Pepe nevertheless fails to teach ANY actions taking place WITHOUT a call being established, much less using call related information to automatically **retrieve** pre-designated desired information in

response to a call from a first device without answering the call from the first device; and transmitting the retrieved pre-designated desired information to the first device, as explicitly recited in claims 27 and 31.

Accordingly, claims 7, 8, 27 and 31 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df